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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX)	MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND)	
PRODUCT LIABILITY LITIGATION)	
_____)	
ACQUAROLE, et al.,)	CASE NO. CGC-06-449463
)	MDL Case No. 06-2392 CRB
)	
Plaintiffs,)	STIPULATION AND ORDER OF
)	DISMISSAL WITH PREJUDICE
vs.)	AS TO PLAINTIFF RUTH E. WAGNER
)	
PFIZER, INC., et al.)	
)	
Defendants.)	
_____)	

COME NOW, Plaintiff RUTH E. WAGNER and Defendants PFIZER, INC., et al., by
 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
 AS TO PLAINTIFF RUTH E. WAGNER**

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1 and hereby stipulate to the dismissal of Plaintiff RUTH E. WAGNER from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

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4 Respectfully submitted,

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6 Dated: September 24, 2009

KABATECK BROWN KELLNER LLP

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8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff RUTH E. WAGNER

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11 Dated: October 27, 2009

DLA PIPER LLP

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13 By: /S/

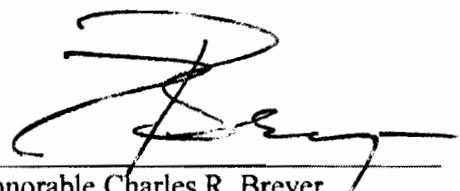
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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16 **ORDER**

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18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

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21 Dated: OCT 29 2009


22 Honorable Charles R. Breyer
23 United States District Court
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